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*Attorneys for Defendant Base Magic, LLC*

**UNITED STATES DISTRICT COURT  
DISTRICT OF NEVADA**

Mathew Franco, an individual, and Blue Shorts,  
Inc. a Nevada Corporation,

Plaintiffs,

v.

Base Magic LLC, a Delaware Limited Liability  
Company, Base Entertainment, LLC, a Delaware  
Limited Liability Company, and DOES 1  
through 50,

Defendants.

Case No. 2:18-cv-02052-KJD-VCF

**STIPULATION AND ORDER TO  
DISMISS CASE WITHOUT  
PREJUDICE**

1 Plaintiffs Mathew Franco and Blue Shorts, Inc. (“Plaintiffs”), by and through their  
2 undersigned counsel, and Defendant BASE Magic LLC (“Defendants”), by and through its  
3 undersigned counsel, hereby stipulate and agree as follows:

4 WHEREAS, on or around December 10, 2014, the Parties entered into an agreement (the  
5 “Agreement”) providing that any disputes relating to the Agreement would be brought in the  
6 federal courts of Las Vegas, Nevada.

7 WHEREAS, on October 25, 2018, Plaintiffs filed a Complaint in the above referenced  
8 court against Defendants related to the Agreement, asserting claims for Declaratory Relief,  
9 Breach of Contract, Breach of the Implied Covenant of Good Faith and Fair Dealing, Breach of  
10 Fiduciary Duty, and Injunctive Relief.

11 WHEREAS, on December 10, 2018, Defendants filed a Motion to Dismiss For Lack of  
12 Subject Matter Jurisdiction, contending that diversity citizenship does not exist between certain  
13 of the Parties.

14 WHEREAS, on December 11, 2018, Defendants filed a Complaint in the District Court  
15 of Clark County, Nevada against Plaintiffs related to the present dispute, captioned *Base Magic*  
16 *LLC v. Matthew Franco, et al*, Case No. A-18-785853-B (the “State Action”).

17 WHEREFORE, based on the foregoing,

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1 IT IS HEREBY STIPULATED AND AGREED that the above entitled matter is hereby  
2 DISMISSED, WITHOUT PREJUDICE, with each party to bear its own fees and costs incurred  
3 therein.

4 **IT IS SO STIPULATED.**

5 DATED: December 21, 2018

DATED: December 21, 2018

6 CAMPBELL & WILLIAMS  
7 J. Colby Williams

GREENBERG TRAURIG, LLP  
Mark E. Ferrario

8 By: /s/ J. Colby Williams  
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*Attorneys for Defendant Base Magic, LLC*

18 *Attorneys for Plaintiffs Mathew Franco and*  
19 *Blue Shorts, Inc.*

20  
21  
22 **ORDER**

23 **IT IS SO ORDERED:**

24   
25 UNITED STATES DISTRICT COURT JUDGE

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27 DATED: January 2, 2019  
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